

# Robbins Geller Rudman & Dowd LLP

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VIA ECF

The Honorable Paul A. Engelmayer  
United States District Court  
Southern District of New York  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007

Re: *In re Aluminum Warehousing Antitrust Litigation*,  
No. 13-MD-2481-PAE (S.D.N.Y.)

Dear Judge Engelmayer:

The parties write in regards to the Court's December 6, 2019 (ECF No. 1180) minute order directing the parties to address certain issues that have arisen with respect to the experts. While the parties continue to disagree about: (a) the propriety of submitting the expert report of Jorge Vazquez Serna; (b) whether the new expert opinions and/or criticisms address new or expanded issues; and (c) whether additional depositions should or will be taken, in order to resolve these disputes, the parties have reached the following agreements:

1. First Level Purchaser Plaintiffs withdraw the report of Jorge Vazquez Serna;
2. No further depositions will be taken of the remaining experts at this time; and
3. Plaintiffs will not oppose Defendants filing a brief (not to exceed five pages) and supporting fact and expert submissions (not to exceed ten pages in total) by Friday, December 20, 2019, in response to footnote 4, paragraphs 17-19, paragraphs 66-72 and Exhibits 6-9 of Dr. Gilbert's Sur-Reply report discussing the "merry-go-round" or "shuffle" transactions and "excess load-ins."

With the above agreement and the filing of Defendants' further response to Dr. Gilbert's sur-reply, the class certification briefing should be complete.

The Court approves of the parties' agreement and appreciates counsels' reaching a resolution on this issue.

SO ORDERED.

12/11/19

PAUL A. ENGELMAYER  
United States District Judge

Respectfully,

s/ Patrick Coughlin

PATRICK COUGHLIN